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on July 13, 2004. Resent July 14, 2004

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FAX COVER SHEET July 13, 2004

TO:

Examiner D. Mohanty

FIRM:

U.S. Patent and Trademark Office

DOCUMENT: U.S. Serial No. 10/043,006

FROM:

Jeffrey D. Myers Reg. No. 35,964

TOTAL NUMBER OF PAGES (INCLUDING COVER SHEET): 21

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MESSAGE

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CLIENT # 37000 MATTER # 101

Please telephone Rometa or Rick at 998-1500 if you do not receive or cannot clearly read the information transmitted herewith. Our return fax number is 243-2542. This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, and return the original message to us at the above address via the U.S. Postal Service. Thank you.

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FAX COVER SHEET July 13, 2004

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Jeffrey D. Myers Reg. No. 35,964

TOTAL NUMBER OF PAGES (INCLUDING COVER SHEET): 21

FAX NO.:

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MESSAGE

07/14/04 09:22 FAX 505 243 2542 **2**505 243 2542 07/,13/04 17:03

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New York Bars

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DOCUMENT: U.S. Serial No. 10/043,006

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FAX NO.:

703 308-7766

MESSAGE

Practitione	r's Dock	et No			PATENT
			PATENT AND	TRADEMARK O	FFICE
In re applicat	ion of:	A. Burl	Donaldson		
Application N Filed: Janu For.	O: 10/ mary 8,	043,006 2002	Group No.: Examiner:	3747 B. Mohanty	
Commission P.O. Box 14 Alexandria,	50				
TRA	EFORE	MAILING DA	RMATION DISC ATE OF EITHEI LLOWANCE (37	R A FINAL ACT	TON
the p is file or a	eriod specifi d before the action that	ied in paragraph (b) mailing date of any otherwise closes (disclosure statement si of this section, provid of a final action under \$ prosecution in the app	eo that the information 1.113, a notice of allow lication, and it is accom-	vance under § 1.311,
(1)	The statem	ent specified in pa	ragraph (e) of this sec	tion; or	
æ	The fee set	t forth in § 1.17(p).	•		
		ad aa aat bawlee i	nce is mailed in an app had a final action or n we statement." Notice	otica ot allowance ma	יט צטצטעוטע זטו נטטוע
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deposited Box 1450.	with the Unit Alexandria,	ted States Postal S VA 22313-1450	ervice in an envelope a	ddressed to Commissi	oner for Patents, P.O.
Box 1450, Alexandria, VA 22313-1450 37 C.F.R. § 1.8(a)				37 C.F.R. § 1.10	
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			Signature	,	
Date:	v 13, 2	004		rey D. Myers,	Reg. No. 35,96

Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(Transmittel of Information Disclosure Statement before Mailing Date of Either a Final Action Or Notice of Allowance [6–4]—page 1 of 3)

(type or print name of person certifying)

- NOTE: 97 C.F.R. § 1.704(d): "A paper containing only an information disclosure statement in compliance with §§ 1.97 and 1.98 will not be considered a failure to engage in reasonable efforts to conclude prosecution (processing or examination) of the application under paragraphs (c)(6), (c)(8), (c)(9), or (c)(10) of this section if it is accompanied by a statement that each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filling of the information disclosure statement. This thirty-day period is not extendable."
- NOTE: "If Information submitted during the period set forth in 37 C.F.R. 1.97(c) with a certification is used in a new ground of rejection on unamended claims, the next Office action will not be made final since in this situation it is clear that applicant has submitted the information to the office promptly after it has become known and the information is being submitted prior to a final determination on patentability by the Office. However, the information submitted with a certification can be used in a new ground of rejection and the next Office action made final, if the new ground of rejection was necessitated by amendment of the application by applicant. Where the information is submitted during this period with a fee, the examiner may use the information submitted, e.g., printed publication or evidence of public use, and make the next Office action final whether or not the claims have been amended, provided that no other new ground of rejection which was not necessitated by amendment to the claims is introduced by the examiner. See MPEP 706.07(a). If a new ground of rejection is introduced that is neither necessitated by an amendment to the claims nor based on the information submitted with the fee set forth in 97 C.F.R. § 1.17(p), the Office action shall not be made final." Notice of April 20, 1992 (1198 O.G. 37-41, 39).
- WARNING: "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. § 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63). But see § 103(b) and (c), limited suspension of action in a continued prosecution application (CPA) filed under § 1.53(d) and in a request for continued examination (RCE) under § 1.114.

WARNING: No extension of time can be had under 37 C.F.A. 1.136 (a) or (b) for filing an IDS. 37 C.F.A. 1.97(f).

TIME OF TRANSMITTAL OF ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

- 1. The Information disclosure statement transmitted herewith is being filed after three months of the filing date of this national application or the date of entry of the national stage as set forth in § 1.491 in an international application or after the mailing date of the first Office action on the merits, whichever event occurred last but before the mailing date of either:
 - (1) a final action under § 1.113 or
 - (2) a notice of allowance under § 1.311,

whichever occurs first.

STATEMENT OR FEE

2. Accompanying this transmittal is

(check either A or B below)

A.

a statement as specified in 37 C.F.R. § 1.97(e).

OR

B. the fee set forth in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under § 1.97(c). (\$180.00).

(Transmittal of Information Disclosure Statement before Mailing Date of Either a Final Action Or Notice of Allowance [6-4]—page 2 of 3)

(Rel.96-11/03 Pub.605)

FEE PAYMENT

(complete this item, if applicable)

3. Applicant elects the option to pay the fee set forth in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under § 1.97(c) (\$180.00).

Fee due \$ 180.00

METHOD OF PAYMENT OF FEE

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	Attached is a ☐ check ☐ money order in the amount of \$
困	Authorization is hereby made to charge the amount of \$ 180.00
	▼ to Deposit Account No13-4213
	to Credit-card as shown on the attached credit card information authorization form PTO-2038.
WAF	ANING: Credit card information should not be included on this form as it may become public.
X	Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.
	A duplicate of this paper is attached.

SIGNATURE OF PRACTITIONER Jeffrey D. Myers PEACOCK, MYERS & ADAMS, P.C. (type or print name of practitioner) Post Office Box 26927

P.O. Address

Albuquerque, New Mexico 87125-6927

Customer No.:

005179

35,964

998-1500

Reg. No.

Tel. No.: (505)

(Transmittal of Information Disclosure Statement before Mailing Date of Either a Final Action Or Notice of Allowance [6-4]-page 3 of 3)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE In re application of: A. Burl Donaldson Application No: 10/ 043,006 Group No.: 3747 Filed: January 8, 2002 Examiner: B. Nohanty For: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT BEFORE MAILING DATE OF EITHER A FINAL ACTION OR NOTICE OF ALLOWANCE (37 C.F.R. § 1.97(c)) NOTE: 37 C.F.R. 1.97: "(c) An information disclosure statement shall be considered by the Office if filed aft the period specified in paragraph (e) of this section, provided that the information disclosure statement is filed before the mailing date of any of a final action under § 1.13; a notice of allowance under § 1.31 or an action that otherwise closes prosecution in the application, and it is accompanied by one of (1) The statement specified in paragraph (e) of this section; or (2) The fee set forth in § 1.17(o)." NOTE: "If a final action or notice of allowance is mailed in an application and later withdrawn, the application gain information disclosure statement." Notice of April 20, 1992 (1138 O.G. 37-41, 39). CERTIFICATION UNDER 37 C.F.R. § 1.8(a) and 1.10* (When using Express Mail, the Express Mail labol number is mandatory; Express Mail certification is optional.) I hereby certify that, on the date shown below, this correspondence is being: MAILING deposited with the United States Postal Service in an envelope addressed to Commissioner for Patents, P Box 1450, Alexandria, VA 22313-1450 37 C.F.R. § 1.8(a) 37 C.F.R. § 1.80 with sufficient postage as first class mail. as "Express Mail Post Office to Addressee"	Practit	loner's Docket No	PATENT
Application No: 10/ 043,006 Group No.: 3747 Filed: January 8, 2002 Examiner: B. Mohanty For: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT BEFORE MAILING DATE OF EITHER A FINAL ACTION OR NOTICE OF ALLOWANCE (37 C.F.R. § 1.97(c)) NOTE: 37 C.F.R. 1.97: "(c) An information disclosure statement shall be considered by the Office if filed aft the period specified in paragraph (b) of this section, provided that the information disclosure stateme is filed before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.31 or an action that otherwise closes prosecution in the application, and it is accompanied by one or (1) The statement specified in paragraph (e) of this section; or (2) The fee set forth in § 1.17(p)." NOTE: "If a final action or notice of allowance is mailed in an application and later withdrawn, the application will be considered as not having had a final action or notice of allowance mailed for purposes considering an information disclosure statement." Notice of April 20, 1992 (1138 O.G. 37-41, 39). CERTIFICATION UNDER 37 C.F.R. §§ 1.9(a) and 1.10* (When using Express Mail, the Express Mail label number is mandatory; Express Mail certification is optional.) I hereby certify that, on the date shown below, this correspondence is being: MAILING deposited with the United States Postal Service in an envelope addressed to Commissioner for Patents, P Box 1450, Alexandria, VA 22313-1450 37 C.F.R. § 1.16(a) 37 C.F.R. § 1.10 *		IN THE UNITED STATES	PATENT AND TRADEMARK OFFICE
Application (c). 107, 107, 107, 107, 107, 107, 107, 107,	n re ap	plication of: . A. Burl	l Donaldson
P.O. Box 1450 Alexandria, VA 22313-1450 TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT BEFORE MAILING DATE OF EITHER A FINAL ACTION OR NOTICE OF ALLOWANCE (37 C.F.R. § 1.97(c)) NOTE: 37 C.F.R. 1.97: "(c) An information disclosure statement shall be considered by the Office if filed affithe period specified in paragraph (b) of this section, provided that the information disclosure statement is filed before the mailing date of any of a final action under § 1.113, a notice of ellowance under § 1.31 or an action that otherwise closes prosecution in the application, and it is accompanied by one of (1) The statement specified in paragraph (e) of this section; or (2) The fee set forth in § 1.17(p)." NOTE: "If a final action or notice of allowance is mailed in an application and later withdrawn, the application will be considered as not having had a final action or notice of allowance mailed for purposes considering an information disclosure statement." Notice of April 20, 1992 (1138 O.G. 37-41, 39). CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10* (When using Express Mail, the Express Mail label number is mandatory; Express Mail certification is optional.) I hereby certify that, on the date shown below, this correspondence is being: MAILING deposited with the United States Postal Service in an envelope addressed to Commissioner for Patents, P. Box 1450, Alexandria, VA 22313-1450 37 C.F.R. § 1.8(a) 37 C.F.R. § 1.10 *	Filed:	ion No: 10/ 043,006 January 8, 2002	Gloup Tron
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☐ with sufficient postage as first class mail. ☐ as "Express Mail Post Office to Addressee"			Service in an envelope addressed to Commissioner for Patents, P.O.
		37 C.F.R. § 1.8(a)	lacksquare
	□ with	sufficient postage as first class ma	ii, as "Express Mail Post Office to Addressee" Mailing Label No

TRANSMISSION

[2] facsimile transmitted to the Patent and Trademark Office, (703) 308 7766

Pl--

Signature

Date: __July 13, 2004

Jeffrey D. Myers, Reg. No. 35,964

(type or print name of person certifying)

(Transmittal of Information Disclosure Statement before Malling Date of Either a Final Action Or Notice of Allowance [6-4]—page 1 of 3)

^{*} Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

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 - (1) a final action under § 1.113 or
 - (2) a notice of allowance under § 1.311,

whichever occurs first.

STATEMENT OR FEE

2. Accompanying this transmittal is

(check either A or B below)

A.

a statement as specified in 37 C.F.R. § 1.97(e).

ÓR

B.
the fee set forth in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under § 1.97(c). (\$180.00).

(Transmittel of Information Disclosure Statement before Mailing Date of Either a Final Action Or Notice of Allowance [6-4]—page 2 of 3)

FEE PAYMENT

(complete this item, if applicable)

Applicant elects the option to pay the fee set forth in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under § 1.97(c) (\$180.00).

Fee due \$ 180_00

METHOD OF PAYMENT OF FEE

.	-
	Attached is a □ check □ money order in the amount of \$
X	Authorization is hereby made to charge the amount of \$ 180.00
	to Deposit Account No. 13-4213
• • :	to Credit-card as shown on the attached credit card information authorization form PTO-2038.
WAF	NING: Credit card information should not be included on this form as it may become public.
X	Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.
	A duplicate of this paper is attached.

Flied in Duplicate

35,964 Reg. No.

SIGNATURE OF PRACTITIONER

≱éffrey D. Myers

PRACOCK, MYERS & ADAMS, P.C.

(type or print name of practitioner)

Tel. No.: (505) 998-1500

Post Office Box 26927

P.O. Address

005179 Customer No.:

Albuquerque, New Mexico 87125-6927

(Transmittal of Information Disclosure Statement before Mailing Date of Either a Final Action Or Notice of Allowance [6-4]—page 3 of 3) PEACOCK LAW FIRM
PEACOCK LAW FIRM

Ø 022 Ø 001

. 07/13/04 18:04 FAX 505 243 2542

TX FUNCTION WAS NOT COMPLETED

TX/RX NO

4653

CONNECTION TEL

17033087766

SUBADDRESS CONNECTION ID

ST. TIME

07/13 18:03

USAGE T

00'00

PGS. SENT RESULT

NG

PEACOCK LAW FIRM
PEACOCK LAW FIRM

②023 ②001

07/13/Q4 17:53 FAX 505 243 2542

TX FUNCTION WAS NOT COMPLETED

TX/RX NO

4652

CONNECTION TEL

17033087766

SUBADDRESS

CONNECTION ID

07/13 17:52

ST. TIME USAGE T

00'00

PGS. SENT

0 NG

RESULT

************************** *** ERROR TX REPORT *** **************************

TX FUNCTION WAS NOT COMPLETED

TX/RX NO

4851

CONNECTION TEL

17033087766

SUBADDRESS CONNECTION ID

CONNECTION ID ST. TIME

07/13 17:41

USAGE T

00.00

PGS. SENT

0 NG

RESULT

PEACOCK LAW FIRM

2025 Ø 001

**************** *** ERROR TX REPORT *** *****************

TX FUNCTION WAS NOT COMPLETED

TX/RX NO

CONNECTION TEL

17033087766

SUBADDRESS

CONNECTION ID ST. TIME

07/13 17:28

USAGE T

00'00

PGS. SENT

0 NG

RESULT

PEACOCK LAW FIRM
PEACOCK LAW FIRM

② 028 ② 001

TX FUNCTION WAS NOT COMPLETED

TX/RX NO

1617

CONNECTION TEL

17033087766

SUBADDRESS CONNECTION ID

07/13 16:49

ST. TIME USAGE T

00.00

PGS. SENT RESULT O NG

07/14/04 09:23 FAX 505 243 2542 07/13/04 16:40 FAX 505 243 2542

PEACOCK LAW FIRM PEACOCK LAW FIRM

2029 Ø 001

*********** ERROR TX REPORT *************************

TX FUNCTION WAS NOT COMPLETED

TX/RX NO

4646

CONNECTION TEL

17033087766

SUBADDRESS

CONNECTION ID

07/13 16:39

ST. TIME **USAGE T**

00'00

PGS. SENT

0 NG

RESULT

BUSY/NO SIGNAL #018

TX FUNCTION WAS NOT COMPLETED

TX/RX NO

1845

CONNECTION TEL

17033087766

SUBADDRESS

CONNECTION ID ST. TIME

07/13 16:24

USAGE T

00'00

PGS. SENT

0

RESULT

NG